



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Moshe Rock et al. Art Unit : 1771
 Serial No. : 10/047,939 Examiner : Jennifer A. Boyd
 Filed : October 23, 2001
 Title : ENHANCED COMPOSITE SWEATSHIRT FABRIC WITH KNIT
 CONSTRUCTED CHANNELS

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

REPLY TO ACTION OF DECEMBER 1, 2003

In reply to the Office Action of December 1, 2003, Applicants submit the following remarks.

The Claimed Invention

In one aspect, recited in claim 1, Applicants' invention features a composite textile fabric including (a) an inner fabric layer, defining a surface configured to be worn facing a wearer's skin, the surface including a plurality of continuous, open channels extending lengthwise over a major portion of the composite textile fabric, the inner fabric layer being made of a yarn comprising a plurality of synthetic yarn fibers which have been rendered hydrophilic; and (b) an outer fabric layer, immediately adjacent, i.e., in contact with, the inner fabric layer, configured to define an outer surface of a garment, comprising a material selected from the group consisting of a moisture absorbent material, a plurality of synthetic yarn fibers and a combination thereof. The first inner fabric layer and second outer fabric layer are formed concurrently by knitting a plaited construction creating an integrated body for movement of moisture between the first fabric layer and the second fabric layer.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 1, 2004

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Timothy A. French

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In another aspect, recited in claim 14, Applicants' invention features a composite textile fabric including (a) an inner fabric layer, configured to be worn facing a wearer's skin, including a plurality of channels and made of a yarn comprising a plurality of synthetic yarn fibers which have been rendered hydrophilic; and (b) an outer fabric layer, comprising a material selected from the group consisting of a moisture absorbent material, a plurality of synthetic yarn fibers and a combination thereof. As in claim 1, the inner fabric layer and outer fabric layer are formed concurrently by knitting a plaited construction creating an integrated body, i.e., in which the inner and outer fabric layers are in contact, for movement of moisture between the inner fabric layer and the outer fabric layer. An inner surface of the composite textile fabric includes a surface texture defined by the channels and a plurality of raised fiber pillars extending between the channels.

Rejections Under 35 U.S.C. §102

Claims 1-4, 6-7, 12 and 14 have been rejected as being anticipated by Rock et al. (U.S. Patent No. 5,817,391; hereafter "Rock '391"). This rejection is respectfully traversed.

The Examiner states that she "equates the first fabric layer [of Rock '391] to Applicants' 'inner fabric layer' and the second fabric layer [of Rock '391] to Applicants' 'outer fabric layer.'"

Based on the Examiner's interpretation, claim 1 is not anticipated because the first and second layers disclosed in Rock '391 are not "immediate adjacent" to each other as required by claim 1. Instead, interconnecting pile yarns 21 are disposed between and separate the two layers. Rock '391 teaches expressly away from the layers being immediately adjacent to one another, stating that:

The yarn interconnecting the two layers of the inventive three-dimensional knit spacer fabric should have sufficient resilience and stiffness to keep the two layers apart even if pressure is applied to any one of the fabric layers (col. 2, lines 14-17).

Thus, claim 1 is clearly not anticipated by or obvious in view of Rock '391.

With regard to claim 14, Rock '391 does not teach or fairly suggest an inner surface having "a surface texture defined by ... channels and a plurality of raised fiber pillars extending between the channels." The Examiner asserts that the raised portion of surface 13 of the Rock '391 fabric to be "fiber pillars." Even assuming, *arguendo*, that this is a reasonable interpretation, which is not conceded, the tufts of fibers shown in Fig. 2 of Rock '391 are not disposed between channels. Instead, if the depressed areas of surface 13 are interpreted as channels, the tufts are disposed in the channels.

Moreover, with regard to both claims, Rock '391 does not teach "an integrated body for movement of moisture between the first fabric layer and the second fabric layer," but rather discloses two distinct layers separated by a space, as discussed above.

Thus, Applicants submit that the pending claims are not anticipated by Rock '391.

Rejections Under 35 U.S.C. §103

Claims 5 and 8-11 have been rejected as being unpatentable over Rock '391. This rejection is respectfully traversed. Dependent claims 5 and 8-11 are patentable for at least the same reasons discussed above with respect to claim 1.

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Conclusion

Applicants submit that all claims are in condition for immediate allowance, which is respectfully requested.

Enclosed is a \$110.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: March 1, 2004



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